

1 SO. CAL. EQUAL ACCESS GROUP  
2 Jason J. Kim (SBN 190246)  
3 Jason Yoon (SBN 306137)  
4 Kevin Hong (SBN 299040)  
5 101 S. Western Ave., Second Floor  
6 Los Angeles, CA 90004  
Telephone: (213) 252-8008  
Facsimile: (213) 252-8009  
cm@SoCalEAG.com

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8 Attorneys for Plaintiff  
9 JARDINE GOUGIS

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

13 JARDINE GOUGIS,  
14 Plaintiff,  
15 vs.

16 LAYERS HAIR STUDIOS, LLC; GARY  
17 A. ZENTMYER; and DOES 1 to 10,  
18 Defendants.

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21  
**Case No.:**

22  
23 COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

24  
25 1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;  
2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;  
3. CALIFORNIA'S DISABLED  
PERSONS ACT;  
4. CALIFORNIA HEALTH & SAFETY  
CODE;  
5. NEGLIGENCE

26  
27 Plaintiff JARDINE GOUGIS ("Plaintiff") complains of Defendants LAYERS  
28 HAIR STUDIOS, LLC; GARY A. ZENTMYER; and DOES 1 to 10 ("Defendants") and  
alleges as follows:  
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## PARTIES

1. Plaintiff is a California resident with a physical disability. Plaintiff is diagnosed with osteoarthritis on both hips and is substantially limited in her ability to walk. Plaintiff requires the use of a wheelchair at all times when traveling in public.

2. Defendants are, or were at the time of the incident, the real property owners, business operators, lessors and/or lessees of the real property for a hair stylist (“Business”) located at or about 1432 Foothill Blvd, La Canada Flintridge, California.

3. The true names and capacities, whether individual, corporate, associate or otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of Court to amend this Complaint when the true names and capacities have been ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such fictitiously named Defendants are responsible in some manner, and therefore, liable to Plaintiff for the acts herein alleged.

4. Plaintiff is informed and believes, and thereon alleges that, at all relevant times, each of the Defendants was the agent, employee, or alter-ego of each of the other Defendants, and/or was acting in concert with each of the other Defendants, and in doing the things alleged herein was acting with the knowledge and consent of the other Defendants and within the course and scope of such agency or employment relationship.

5. Whenever and wherever reference is made in this Complaint to any act or failure to act by a defendant or Defendants, such allegations and references shall also be deemed to mean the acts and failures to act of each Defendant acting individually, jointly and severally.

## **JURISDICTION AND VENUE**

6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et seq.*).

1       7. Pursuant to pendant jurisdiction, attendant and related causes of action,  
2 arising from the same nucleus of operating facts, are also brought under California law,  
3 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,  
4 54, 54., 54.3 and 55.

5 8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

6        9.      Venue is proper in this court pursuant to 28 USC §1331(b). The real  
7 property which is the subject of this action is located in this district, Los Angeles County,  
8 California, and that all actions complained of herein take place in this district.

## **FACTUAL ALLEGATIONS**

10. In or about December of 2023, Plaintiff went to the Business.

11        11. The Business is a hair stylist business establishment, open to the public, and  
12 is a place of public accommodation that affects commerce through its operation.  
13 Defendants provide parking spaces for customers.

14       12. While attempting to enter the Business during each visit, Plaintiff personally  
15 encountered a number of barriers that interfered with her ability to use and enjoy the  
16 goods, services, privileges, and accommodations offered at the Business.

17       13. To the extent of Plaintiff's personal knowledge, the barriers at the Business  
18 included, but were not limited to, the following:

19           a. Defendants failed to comply with the federal and state standards for  
20                 the parking space designated for persons with disabilities. Defendants  
21                 failed to provide adequate numbers of accessible parking spaces in its  
22                 facility as there was only one accessible parking space while there  
23                 were more than 25 regular parking spaces for the parking lot.

24       14. These barriers and conditions denied Plaintiff the full and equal access to the  
25 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and  
26 patronize the Business; however, Plaintiff is deterred from visiting the Business because  
27 her knowledge of these violations prevents her from returning until the barriers are  
28 removed.

15. Based on the violations, Plaintiff alleges, on information and belief, that there are additional barriers to accessibility at the Business after further site inspection. Plaintiff seeks to have all barriers related to her disability remedied. *See Doran v. 7-Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

16. In addition, Plaintiff alleges, on information and belief, that Defendants knew that particular barriers render the Business inaccessible, violate state and federal law, and interfere with access for the physically disabled.

17. At all relevant times, Defendants had and still have control and dominion over the conditions at this location and had and still have the financial resources to remove these barriers without much difficulty or expenses to make the Business accessible to the physically disabled in compliance with ADDAG and Title 24 regulations. Defendants have not removed such barriers and have not modified the Business to conform to accessibility regulations.

## **FIRST CAUSE OF ACTION**

## **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

18. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or leases to, or operates a place of public accommodation. *See* 42 U.S.C. § 12182(a).

20. Discrimination, *inter alia*, includes:

- a. A failure to make reasonable modification in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of

1 such goods, services, facilities, privileges, advantages, or  
2 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).

3 b. A failure to take such steps as may be necessary to ensure that no  
4 individual with a disability is excluded, denied services, segregated or  
5 otherwise treated differently than other individuals because of the  
6 absence of auxiliary aids and services, unless the entity can  
7 demonstrate that taking such steps would fundamentally alter the  
8 nature of the good, service, facility, privilege, advantage, or  
9 accommodation being offered or would result in an undue burden. 42  
10 U.S.C. § 12182(b)(2)(A)(iii).

11 c. A failure to remove architectural barriers, and communication barriers  
12 that are structural in nature, in existing facilities, and transportation  
13 barriers in existing vehicles and rail passenger cars used by an  
14 establishment for transporting individuals (not including barriers that  
15 can only be removed through the retrofitting of vehicles or rail  
16 passenger cars by the installation of a hydraulic or other lift), where  
17 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

18 d. A failure to make alterations in such a manner that, to the maximum  
19 extent feasible, the altered portions of the facility are readily  
20 accessible to and usable by individuals with disabilities, including  
21 individuals who use wheelchairs or to ensure that, to the maximum  
22 extent feasible, the path of travel to the altered area and the  
23 bathrooms, telephones, and drinking fountains serving the altered  
24 area, are readily accessible to and usable by individuals with  
25 disabilities where such alterations to the path or travel or the  
26 bathrooms, telephones, and drinking fountains serving the altered area  
27 are not disproportionate to the overall alterations in terms of cost and  
28 scope. 42 U.S.C. § 12183(a)(2).

1       21. Where parking spaces are provided, accessible parking spaces shall be  
2 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
3 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
4 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
5 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
6 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

7       22. Under the ADA, the method and color of marking are to be addressed by  
8 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California  
9 Building Code (“CBC”), the parking space identification signs shall include the  
10 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
11 with a minimum area of 70 square inches. Additional language or an additional sign  
12 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
13 parking space identification sign shall be permanently posted immediately adjacent and  
14 visible from each parking space, shall be located with its centerline a maximum of 12  
15 inches from the centerline of the parking space and may be posted on a wall at the  
16 interior end of the parking space. See CBC § 11B-502.6, et seq.

17       23. Parking spaces complying with 502 shall be provided in accordance with  
18 Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.2.3. 2010 ADA Standards  
19 § 208.2. Where more than one parking facility is provided on a site, the number of  
20 accessible spaces provided on the site shall be calculated according to the number of  
21 spaces required for each parking facility. *Id.*

22       24. Here, Defendants failed to provide adequate numbers of accessible parking  
23 spaces in its facility as there was only one accessible parking space while there were  
24 more than 25 regular parking spaces for the parking lot.

25       25. A public accommodation shall maintain in operable working condition those  
26 features of facilities and equipment that are required to be readily accessible to and usable  
27 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

26. By failing to maintain the facility to be readily accessible and usable by Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related regulations.

27. The Business has denied and continues to deny full and equal access to Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be discriminated against due to the lack of accessible facilities, and therefore, seeks injunctive relief to alter facilities to make such facilities readily accessible to and usable by individuals with disabilities.

## **SECOND CAUSE OF ACTION**

## **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

28. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

29. California Civil Code § 51 states, “All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.”

30. California Civil Code § 52 states, “Whoever denies, aids or incites a denial, or make any discrimination or distinction contrary to Section 51, 515, or 51.6, is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars (\$4,000) and any attorney’s fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 51, 51.5, or 51.6.

31. California Civil Code § 51(f) specifies, “a violation of the right of any individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.”

32. The actions and omissions of Defendants alleged herein constitute a denial of full and equal accommodation, advantages, facilities, privileges, or services by physically disabled persons within the meaning of California Civil Code §§ 51 and 52. Defendants have discriminated against Plaintiff in violation of California Civil Code §§ 51 and 52.

33. The violations of the Unruh Civil Rights Act caused Plaintiff to experience difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory damages as specified in California Civil Code §55.56(a)-(c).

## **THIRD CAUSE OF ACTION**

## **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

34. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

35. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, medical facilities, including hospitals, clinics, and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation (whether private, public, franchised, licensed, contracted, or otherwise provided), telephone facilities, adoption agencies, private schools, hotels, loading places, places of public accommodations, amusement, or resort, and other places in which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

36. California Civil Code § 54.3(a) states, “Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of public facilities as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for the actual damages, and any amount as may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damages but in no

1 case less than one thousand dollars (\$1,000) and any attorney's fees that may be  
2 determined by the court in addition thereto, suffered by any person denied the rights  
3 provided in Section 54, 54.1, and 54.2.

4       37. California Civil Code § 54(d) specifies, “a violation of the right of an  
5 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
6 constitute a violation of this section, and nothing in this section shall be construed to limit  
7 the access of any person in violation of that act.

8       38. The actions and omissions of Defendants alleged herein constitute a denial  
9 of full and equal accommodation, advantages, and facilities by physically disabled  
10 persons within the meaning of California Civil Code § 54. Defendants have  
11 discriminated against Plaintiff in violation of California Civil Code § 54.

12       39. The violations of the California Disabled Persons Act caused Plaintiff to  
13 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
14 statutory damages as specified in California Civil Code §55.56(a)-(c).

## **FOURTH CAUSE OF ACTION**

## CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.

17       40. Plaintiff incorporates by reference each of the allegations in all prior  
18 paragraphs in this complaint.

19       41. Plaintiff and other similar physically disabled persons who require the use of  
20 a wheelchair are unable to use public facilities on a “full and equal” basis unless each  
21 such facility is in compliance with the provisions of California Health & Safety Code §  
22 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
23 provisions of California Health & Safety Code § 19955 et seq.

24       42. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
25 that public accommodations or facilities constructed in this state with private funds  
26 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
27 Title 1 of the Government Code. The code relating to such public accommodations also  
28 require that “when sanitary facilities are made available for the public, clients, or

employees in these stations, centers, or buildings, they shall be made available for persons with disabilities.

3       43. Title II of the ADA holds as a “general rule” that no individual shall be  
4 discriminated against on the basis of disability in the full and equal enjoyment of goods  
5 (or use), services, facilities, privileges, and accommodations offered by any person who  
6 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
7 Further, each and every violation of the ADA also constitutes a separate and distinct  
8 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
9 award of damages and injunctive relief pursuant to California law, including but not  
10 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

## **FIFTH CAUSE OF ACTION**

## NEGLIGENCE

13       44. Plaintiff incorporates by reference each of the allegations in all prior  
14 paragraphs in this complaint.

15       45. Defendants have a general duty and a duty under the ADA, Unruh Civil  
16 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
17 to the Plaintiff.

18       46. Defendants breached their duty of care by violating the provisions of ADA,  
19 Unruh Civil Rights Act and California Disabled Persons Act.

20       47. As a direct and proximate result of Defendants' negligent conduct, Plaintiff  
21 has suffered damages.

## **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff respectfully prays for relief and judgment against  
24 Defendants as follows:

25       1. For preliminary and permanent injunction directing Defendants to comply  
26 with the Americans with Disability Act and the Unruh Civil Rights Act;

27       2. Award of all appropriate damages, including but not limited to statutory  
28 damages, general damages and treble damages in amounts, according to proof;

3. Award of all reasonable restitution for Defendants' unfair competition practices;

4. Reasonable attorney's fees, litigation expenses, and costs of suit in this action;

5. Prejudgment interest pursuant to California Civil Code § 3291; and

6. Such other and further relief as the Court deems just and proper.

## **DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: March 22, 2024

## SO. CAL. EQUAL ACCESS GROUP

By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
Attorneys for Plaintiff